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|-------------------------------|-----------------|------------------|--|
| Notice of Allowability | Application No. | Applicant(s) | |
| | 10/614,354 | SONDERMAN ET AL. | |
| | Examiner | Art Unit | |
| | Khiem D. Nguyen | 2823 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Corrected Appeal Brief filed on 08/14/06.
2. ☒ The allowed claim(s) is/are 1,3,6,8,9,11-13,15,21 and 22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date <u>20061026</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

K.N.
 October 26th, 2006

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this Examiner's Amendment was given in a telephone interview with Mr. J. Mike Amerson on October 26th, 2006.

2. The application has been amended as follows:

In the claims:

Cancel dependent claims 7 and 14.

In independent claim 1, line 6, after "said programming cycle", insert --,wherein the at least one parameter is comprised of at least one of a temperature, a pressure, a duration, a process gas flow rate, a process gas composition, a liquid flow rate, a liquid composition, and a power level setting --.

In independent claim 9, line 6, after "said erase cycle", insert --,wherein the at least one parameter is comprised of at least one of a temperature, a pressure, a duration, a process gas flow rate, a process gas composition, a liquid flow rate, a liquid composition, and a power level setting --.

In independent claim 21, line 6, after "said programming cycle", insert --,wherein the at least one parameter is comprised of at least one of a temperature, a pressure, a duration, a process gas flow rate, a process gas composition, a liquid flow rate, a liquid composition, and a power level setting --.

In independent claim 22, line 6, after "said erase cycle", insert --, wherein the at least one parameter is comprised of at least one of a temperature, a pressure, a duration, a process gas flow rate, a process gas composition, a liquid flow rate, a liquid composition, and a power level setting --.

Allowable Subject Matter

3. Claims 1, 3, 6, 8, 9, 11-13, 15 and 21-22 are allowed over prior art of record.

Reasons For Allowance

4. The following is an examiner's statement of reasons for allowance:

After further search and consideration of Applicants' arguments in the Appeal Brief filed on April 14th, 2006 (see Applicants' arguments in Page 6 of the April 14th, response), it is determined that the prior art of record neither anticipates nor renders obvious the claimed subject matter of the instant application as a whole either taken alone or in combination, in particular, prior art of record does not teach or suggest "determining at least one parameter of at least one process operation to be performed to form at least one gate insulation layer on a subsequently formed flash memory device based upon said determined duration of said programming cycle, wherein said at least one parameter is comprised of at least one of a temperature, a pressure, a duration, a process gas flow rate, a process gas composition, a liquid flow rate, a liquid composition, and a power level setting" recited in independent claims 1 and 21 as amended in paragraph 2 above and "determining at least one parameter of at least one process operation to be performed to form at least one gate insulation layer on a subsequently formed flash memory device based upon said determined duration of said erase cycle, wherein said at least one

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parameter is comprised of at least one of a temperature, a pressure, a duration, a process gas flow rate, a process gas composition, a liquid flow rate, a liquid composition, and a power level setting”, as recited in independent claims 9 and 22, respectively.

Claims 3, 6, 8 and 11-13, 15 also allowed as being directly or indirectly dependent of the allowed independent base claims.

Conclusion

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Correspondence

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khiem D. Nguyen whose telephone number is (571) 272-1865. The examiner can normally be reached on Monday-Friday (8:30 AM - 5:30 PM).

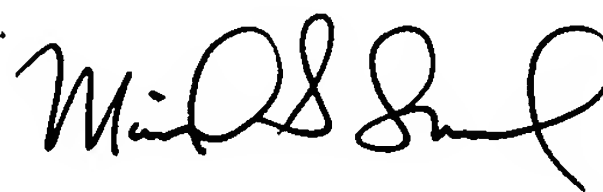
If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Matthew S. Smith can be reached on (571) 272-1907. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

K.N.

October 26, 2006



MATTHEW SMITH
SUPERVISORY PATENT EXAMINER
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